

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRUCE JON BONGIORNO,
Plaintiff,

v.

ANDREW SAUL,
Commissioner of Social Security,
Defendant.

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CIVIL ACTION NO. 19-cv-4748

MEMORANDUM OPINION

RICHARD A. LLORET
U.S. MAGISTRATE JUDGE

March 6, 2020

Bruce Jon Bongiorno was denied social security benefits by the decision of an Administrative Law Judge (“ALJ”). Mr. Bongiorno contends that the ALJ’s unfavorable decision was reached in error. Doc. No. 13-1, at pp. 4-11 (Plaintiff’s brief). Mr. Bongiorno argues that (1) the ALJ erred by not properly evaluate the medical opinion of Dr. Allen, Mr. Bongiorno’s treating physician; (2) the ALJ erred by not properly evaluating the opinion of Ms. Molano, a physician’s assistant; and (3) the ALJ failed to make a proper credibility determination with regard to Mr. Bongiorno’s evidence of pain. *Id.* In response, the Commissioner of Social Security (“Commissioner”) conceded that further evaluation of the Plaintiff’s claim is warranted and requested that this case be remanded.¹ Doc. No. 14 (Defendant’s Uncontested Motion to Remand).

The Commissioner has represented that Mr. Booker’s counsel consented to his request. *See id.*

¹ The Commissioner agreed that “[u]pon remand, Appeals Council will direct an Administrative Law Judge to offer Plaintiff an opportunity for another hearing, further evaluate Plaintiff’s claim, and issue a new decision.” Doc. No. 14, p. 1.

Because the parties agree that the ALJ erred in the evaluation of Mr. Bongiorno's disability claim, Mr. Bongiorno's request for review is granted, the final decision of the Commissioner is reversed, and this matter is remanded to the Commissioner further proceedings.

BY THE COURT:

s/Richard A. Lloret
RICHARD A. LLORET
U.S. Magistrate Judge